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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,402	05/08/2001	Joe F. Britt JR.	81414.28	1907

22971 7590 12/29/2006	EXAMINER
MICROSOFT CORPORATION ATTN: PATENT GROUP DOCKETING DEPARTMENT ONE MICROSOFT WAY REDMOND, WA 98052-6399	SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
2174	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This application has been examined. The Amendment filed 10/3/06 has

been entered.

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-7, 10-17, 19-29 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kalluri et al (5937331) and Takase et al (5689501) and Chess et al

(5802592).

4.   Regarding claim 1, Kalluri et al show a client system with computer and

program instructions communicating with a server (Abstract, Figure 1, column 2 lines

25-40), a method of restoring a corrupted portion of program instructions at the client

(column 5 lines 25-45) including: checking the validity of stored system program

instructions and stored application program instructions at the client to determine if a

corrupted portion exists (column 6 lines 18-47), and upon determining that either have a

corrupted portion, receiving replacement instructions for the corrupted portion from the

server (column 5 lines 30-45, column 6 lines 20-50), and replacing the corrupted portion

with the replacement instructions (column 9 lines 25-55). Kalluri et al do not go into the details of the connecting to the server upon making the determination that a corrupted portion exists, but do mention efficiently providing a way to obtain replacement instructions. Furthermore, Takase et al do show connecting to the server to retrieve replacement instructions to take a replacement path when a corrupted portion of a path is determined (abstract, Figures 8, 9, 10, 11, 12, column 4 lines 15-40, column 6 lines 10-35 and 50-65, column 8 lines 29-55,column 26 lines 25-60) to efficiently obtain replacement instructions. It would have been obvious to a person with ordinary skill in the art to have Kalluri et al connect to the server upon making the determination that a corrupted portion exists, to efficiently providing a way to obtain replacement instructions. Kalluri et al and Takase et al do not go into the specific details of the instructions being in an actual stored program which is replaced per se, but do show correction of instructions with programs (column 8 lines 52-67). Furthermore, Chess et al show replacing an actual stored program if it is corrupted, to correct instructions (column 3 lines 30-50). It would have been obvious to a person with ordinary skill in the art to have an actual stored program replaced in Kalluri et al, because it would be an efficient way to correct instructions.

5.   Regarding claim 2, validity check uses a checksum technique (Kalluri et al Figure 4, column 7 lines 10-20).

6.   Regarding claim 3, the act of connecting the client to the server includes selecting a local connection script associated with the server (Winkel column 5 lines 5-20 which is part of the process of connecting to the server which is obvious to combine into Kalluri et al as explained in paragraph 4 of this Office Action).

7.   Regarding claim 4, a default connection script is read from the memory of the client to connect to a remote computer and the selected local script is downloaded (Winkel column 5 lines 10-25 which is part of the process of connecting to the server which is obvious to combine into Kalluri et al as explained in paragraph 4 of this Office Action).

8.   Regarding claim 5, the replacement instructions are automatically (without user intervention) requested and received (Kalluri et al column 9 lines 20-49). Given then obviousness to have the connection to the server, this would thus happen after the connection is made.

9.   Regarding claim 6, the replacement instructions are received through a satellite link (Kalluri et al column 5 lines 5-25).

10.   Regarding claim 7, the replacement instructions are written to a random access memory, decompressed, and written to a flash memory of the client (Kalluri et al column 7 lines 20-49).

11.   Regarding claim 11, validity is checked during initialization (Kalluri et al column 6 lines 18-47).

12.   Claims 12-13 show the same features as claims 1-2 respectively and are rejected for the same reasons.

13.   Claim 14 shows the same features as claim 7 and is rejected for the same reasons.

14.   Regarding claim 15, an example of this is checking validity upon an initialization sequence, and thus this is rejected for the same reasons as claim 12.

15.   Claims 16-17 are rejected for the same reasons as claims 1-2. In addition, note that the portion being represented as a block is inherent.

16.   Claims 19-20 are rejected for the same reasons as claims 6-7.

17.   Claim 21 shows the same features as claim 6 and is rejected for the same reasons.

18.   Regarding claim 22, checking validity comprises identifying specific addresses associated with the identified corrupted blocks (Kalluri et al column 6 lines 25-50).

19.   Claim 23 is rejected for the same reasons as claim 7.

20.   Claim 24 is rejected for the same reasons as claim 5.

21.   Claims 25-26 are rejected for the same reasons as clams 16-17.

22.   Claim 27 is rejected for the same reasons as claim 23 (and claim 7).

23.   Claim 28 is rejected for the same reasons as claim 15.

24.   Claim 29 is rejected for the same reasons as claim 22.

25.   Regarding claim 10, Kalluri et al do not specifically show the Java applet, but Examiner takes Official Notice that it is common in the art to use Java applets to transmit instructions over a network. Kalluri et al shows transmitting instructions over the network. It would have been obvious to a person with ordinary skill in the art to use Java applets in Kalluri et al because it would be an efficient way to transmit instructions over the network.

26.   Claims 8-9 and 18 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kalluri et al (5937331) and Takase et al (5689501) and Chess et al

(5802592) and Reed et al (5903732).

27.   Regarding claim 8, neither Kalluri et al nor Takase et al nor Chess et al

show specifically the instructions received over the Internet, but Kalluri et al and Takase

et al do show receiving over a network. Furthermore, Reed et al show receiving validity

instructions over the Internet as a useful network (column 6 lines 1-30). It would have

been obvious to a person with ordinary skill in the art to have Kalluri et al use the

Internet, because it would provide a useful Internet from which to receive the

instructions.

28.   Regarding claim 9, neither Kalluri et al nor Takase et al nor Chess et al

specifically mention the browser having the corrupted portion, but Kalluri et al do show

the application program at the client for receiving the data for presentation (column 5

lines 40-55). Furthermore, Reed et al do show the browser for presenting data at the

client (column 4 lines 40-55).   It would have been obvious to a person with ordinary skill

in the art to have this in Kalluri et, because it would provide a convenient application to

present data at the client.

29.   Claim 18 is rejected for the same reasons as claim 8.

30.   Applicant's arguments filed have been fully considered but they are not

persuasive. Applicant argues regarding claim 1 for example, that Kalluri is not an active

system to replace corrupted instructions upon discovering that such corrupted

instructions exist, and that Kalluri is more passive. Regardless of to what extent

Kalluri's system is active, Takase is brought in to show the active connection to the

server and the active replacement process. This is explained in the Office Action.

Applicant also argues whether the program is stored in Kalluri or Takase. First of all,

the recitation of 'stored' in the claims is not clear as to whether the program is simply

stored somewhere but that the checking is performed at the client, or even merely

whether the instructions are in fact stored somewhere.   In any event, regardless to the

extent of whether Kalluri or Takase have stored programs, Chess is brought in as

evidence to a program per se which is stored. The independent claims are all argued

with the same rationale as that for claim 1, and so the same response applies.

31.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

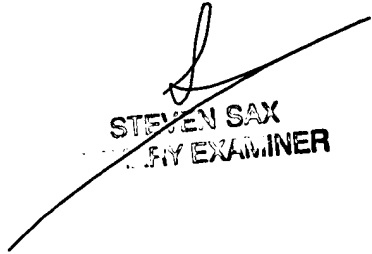mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

32.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Steven P. Sax whose telephone number is (571)

272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM -

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

STEVEN SAX
PRIMARY EXAMINER